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9
10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON
12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

4:22-CR-06001-MKD-2

15 v.

16 CONNOR DUANE GOODMAN,

17 Defendant.

United States' Sentencing
Memorandum

18 Plaintiff, United States of America, by and through Vanessa R. Waldref, United
19 States Attorney for the Eastern District of Washington, Patrick J. Cashman, Assistant
20 United States Attorney for the Eastern District of Washington, respectfully submits
21 the following Sentencing Memorandum. The United States recommends a sentence of
22 37 months incarceration, followed by 3 years of supervised release. The United States
23 recommendation is a fair, just, and reasonable sentence that is no greater than
24 necessary to meet the interests of federal sentencing principles.

25 I. Background

26 The United States relies on the facts provided in the plea agreement and the
27 United States Probation Office's (USPO) draft Pre-Sentence Investigation Report
28 (PSIR). (ECF Nos. 98 and 105). The United States reserves the ability to present

1 additional facts and exhibits as necessary at the sentencing hearing to address any of
2 the Court's concerns.

3 On March 16, 2023, Defendant plead guilty to Conspiracy to Make or Possess
4 an Unregistered Destructive Device, in violation of 18 U.S.C. § 371. The Defendant's
5 charge stems from an investigation into a group of individuals, including the
6 Defendant, that espoused anti-government/anti-authority ideals and prepared to act
7 against the government for perceived government overreach.

8 II. Base Offense Level & Enhancements

9 The United States concurs with the USPO's calculation of an adjusted offense
10 level of 21. ECF No. 105, ¶107. The United States concurs the base offense level of
11 18 should be increased by 2 levels because the improvised explosive device is a
12 destructive device. Furthermore, the United States concurs with the USPO's inclusion
13 of a four-level enhancement because the Defendant possessed the improvised
14 explosive device with the knowledge, intent, or reason to believe that it would be used
15 or possessed in connection with another felony offense. *Id.*, ¶¶39-40.

16 III. Defendant's PSIR Objections

17 The Defendant has not submitted objections to the draft PSIR.

18 IV. 18 U.S.C. § 3553(a)

19 The totality of the circumstances in this case favors a sentence of 37 months
20 imprisonment followed by three-years supervised release. A sentence of 37 months
21 imprisonment is a fair sentence that is no greater than necessary to meet the interests
22 of federal sentencing principles.

23 a. Nature, Circumstances, and Seriousness of the Offense:

24 The nature and circumstances of this case warrant a 37-month sentence. The
25 Defendant's acts in this case are beyond serious and egregious. The Defendant
26 actively supported the construction of a homemade improvised explosive device by
27 supplying the explosive material to co-Defendant Daniel Anderson. Prior to obtaining
28 the material, co-Defendant Anderson contacted members of the group soliciting the

1 material. The Defendant made an active choice to volunteer his services to obtain the
2 material for Anderson. Throughout the course of this conspiracy, the Defendant
3 engaged numerous decision points where he could have taken steps to withdraw his
4 involvement. Instead, the Defendant provided his full-fledged support.

5 Furthermore, the device that was subsequently developed was a device designed
6 to inflict injury and harm individuals. In the words of Anderson, the device was
7 constructed with the capability of throwing shrapnel 20 yards. Moreover, the
8 construction of this device was developed with the intent that it would be used at some
9 point in support of the goals espoused by the group.

10 Equally concerning is Defendant's stockpile of weaponry, including a short-
11 barreled shotgun and rifle, and Tannerite. The shotgun was specifically discussed
12 throughout the discovery as having been manufactured or modified by Anderson for
13 Goodman.

14 The significant dangerousness and illegality of this device and Defendant's
15 firearms warrants a sentence of 37 months. A sentence of 37 months is sufficient to
16 reflect the seriousness and egregiousness of the Defendant's actions.

17 b. Characteristics and Criminal History of Defendant:

18 The Defendant has no criminal history aside from the current conviction. A
19 review of the Defendant's personal and family data contained in the PSIR does not
20 exhibit any abnormal characteristics warranting a mitigated sentence. In fact, it
21 appears from the PSIR Defendant had a normal and stable upbringing.

22 Defendant is reasonably educated, is intelligent, and can critically think. While
23 this is often viewed as a positive trait, it is equally aggravating under the
24 circumstances of this case because Defendant clearly has the capacity to know right
25 from wrong and could have easily prevented his involvement in this offense.

26 Additionally, throughout the course of this conspiracy, Defendant operated as
27 part of the leadership apparatus of the group. Defendant actively planned trainings, in
28

1 conjunction with Anderson and others, as well as developed methods and plans on
2 how to recruit more individuals into the group.

3 When considering the characteristics of Defendant, coupled with his leadership
4 of the group, a sentence of 37 months is more than appropriate.

5 c. Public Safety, Deterrence, and Consistency of Sentences:

6 A sentence of 37 months incarceration is appropriate to protect the public and
7 meet the interests of general and specific deterrence. A sentence of 37 months will
8 ensure the public knows engaging in criminal acts such as these are met with
9 significant consequences. Moreover, a sentence of 37 months is appropriate because it
10 appropriately reflects Defendant's disregard for the law and authority.

11 Furthermore, a sentence of 37 months is consistent with other sentences for
12 similar misconduct. *See United States v. Young*, 265 Fed.Appx. 573, *1 (9th Cir.
13 2008) (unpublished) (defendant's sentence of 37 months imprisonment was
14 appropriate where defendant was convicted of possession of a destructive device); *see*
15 *also United States v. Dominguez*, 104 F.3d 366, 1 (9th Cir. 1996) (unpublished)
16 (defendant sentenced to 37 months imprisonment after having plead guilty to
17 possession of an unregistered destructive device). Accordingly, when considering the
18 need for consistency in sentencing, the United States recommendation is in the
19 heartland of an appropriate sentence for this misconduct.

20 d. Rehabilitation and Programming:

21 A sentence of 37 months is appropriate because it will allow Defendant to avail
22 himself of the numerous educational and vocational programs available in the Bureau
23 of Prisons. Additionally, the PSIR does indicate Defendant has previously used
24 controlled substances. ECF No. 105, ¶¶69-73. While the PSIR does not indicate
25 Defendant has a substance abuse disorder, should Defendant feel inclined to seek
26 treatment, a term of imprisonment and supervised release will provide those
27 opportunities.
28

1 Regarding supervised release, the United States recommends the Court impose
2 a term of 3 years supervised release. This will provide Defendant the proper amount
3 of supervision and opportunity to obtain employment and services with the assistance
4 of the USPO.

5 V. Conclusion

6 Accordingly, the United States recommends the Court impose a sentence of 37
7 months imprisonment followed by 3 years of supervised release. The above sentence
8 is a just sentence that is no greater than necessary to meet the interests of federal
9 sentencing principles.

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11 Dated: August 11, 2023.

12 Vanessa R. Waldref
13 United States Attorney

14 s/ Patrick J. Cashman
15 Patrick J. Cashman
16 Assistant United States Attorney
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